

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESAL PRICE)	
LITIGATION)	MDL No. 1456
<hr/>)	Civil Action No. 01-12257-PBS
)	
THIS DOCUMENT RELATES TO:)	Hon. Patti Saris
)	
<i>United States of America, ex rel. Ven-a-Care</i>)	
<i>of the Florida Keys, Inc. v. Abbott</i>)	
<i>Laboratories, Inc., and Hospira, Inc.</i>)	
CIVIL ACTION NO. 06-11337-PBS)	

MOTION BY THE UNITED STATES FOR LEAVE TO EXCEED PAGE LIMIT

Pursuant to Local Rule 7.1(b) (4), the United States respectfully requests that it be given leave to file a 35 page brief in opposition to the motions by Abbott Laboratories, Inc. (Abbott) and Dey, Inc. (Dey) for findings of spoliation and sanctions. The United States has filed a single consolidated opposition to the separate motions filed by Abbott and Dey.

Counsel for Abbott advised that he would agree to the Government using five extra pages for its brief (*i.e.* the same number of extra pages requested by Abbott for its spoliation brief). The Government, however, is responding to two separate motions and therefore could have filed separate opposition memoranda which collectively could have exceeded the number of pages in the consolidated opposition brief that has been filed. Moreover, given the serious nature of the allegations stated, and sanctions requested, by defendants, 25 pages for the Government's brief is insufficient. In order to provide a sufficient response to defendants' allegations, it is necessary for the Government to provide detail regarding the extensive document preservation and production efforts that have consumed the resources of the government agencies involved in this case over the last three years. Allowing the additional briefing requested by this motion should

assist the Court in its consideration of the pending motions and lead to the more just and efficient litigation of this action.

Wherefore, the United States requests that the Court allow the Government to file a 35 page brief in opposition to the motions by Abbott and Dey for a finding of spoliation and for sanctions.

Respectfully submitted,

For the United States of America,

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Dated: July 21, 2009

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above **MOTION BY THE UNITED STATES TO EXCEED PAGE LIMIT** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: July 21, 2009

/s/ Justin Draycott
Justin Draycott